

Breaking New Ground

CIA's Role in the Pan Am 103 Investigation and Trial (U)

(b)(3)(c) Oral History Program Interviewer

On 21 December 1988, Pan American flight 103, a Boeing 747, took off from London, bound for New York City. As it was climbing on its northerly flight path, it exploded over Lockerbie, Scotland. All 259 passengers and crewmembers and 11 people on the ground were killed. One CIA employee, Matt Gannon, (b)(3)(c) was on board. After more than 11 years of determin(b)(6) estigation by many officials in many countries, two Libyans were tried for the crime before a Scottish court convened in the Netherlands. One was convicted. This article focuses on the CIA's contribution to the investigation and trial, as it is remembered by Agency officers involved. The officers recount the CIA's engagement in the hunt for those responsible, the discovery and assessment of key pieces of evidence, and the successful prosecution. This is the story of a jigsaw puzzle's assembly by cooperating law enforcement, intelligence, and legal personnel. The officers conclude by offering the lessons they believe the CIA learned from the experience. (U)

Below are excerpts from interviews of seven Agency officers. Working for the CIA's Oral History Program(b)(3)(c) conducted the interviews in 2002, shortly after the trial. The interview transcripts are held in the CIA History Staff, Center for the Study of Intelligence. (U)

The Crime (U)

(b)(3)(c)	the senior Directorate of Operations	s (DO) officer responsible for the
case during its prosecution p	phase describes the attack and the ap	$parent\ motive:$ (b)(3)(c) Chief
of the [CIA] Counterterrorist	t Center (CTC), always speculated the	at Pan Am 103 was brought
down as payback for the US	air raids against Tripoli	(b)(1)
and that might well be the tri	uth.1 (8)	

What emerged during the trial, in the testimony, and what was previously indicated in the indictment was that apparently a deliberate effort had been made to search for a way to bring down an American plane. Somewhere along the line, it's not clear just when the light went on, . . . the Libyans got the bright idea that they could insinuate a piece of luggage into the system at Malta Airport--unaccompanied baggage--send it as checked luggage through the connector flight from Malta to Frankfurt, have it automatically transferred to a Pan Am feeder flight from Frankfurt to

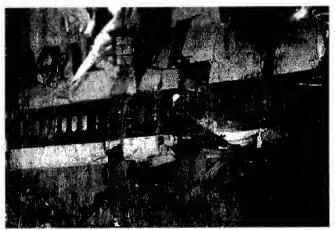
London, and finally have it automatically transferred to Pan Am 103, which originated in London.

The bomb was probably supposed to explode when the plane was over the ocean. It did not because of the weather that night. On that night, the jet stream was particularly strong from west to east, at about 150 miles an hour. The plane could not take off over Land's End, as it normally would, and fly straight out, from Heathrow straight out over the Atlantic. Instead, it headed overland, due north, and it reached cruising altitude [30,000 feet] just over Lockerbie, Scotland, and was just beginning to turn left. Lockerbie is within sight of the Irish Sea. (U)

They probably had just taken off the seatbelt sign and were just bringing out the drink carts. In another 90 seconds, that plane would have been over water. Had it followed the original flight path, it would have been miles out over water. We would never have found any evidence. (U)

There wasn't a lot of explosive in that bomb. There was only a couple of pounds, because it was put in a fairly small Toshiba Boombeat, I think it's called, portable radio. And it's probably just pure serendipity that that plane was brought down as it was, because a 747 is a very robust aircraft. It normally would take a lot to bring down that aircraft with all of its backup systems. (U)

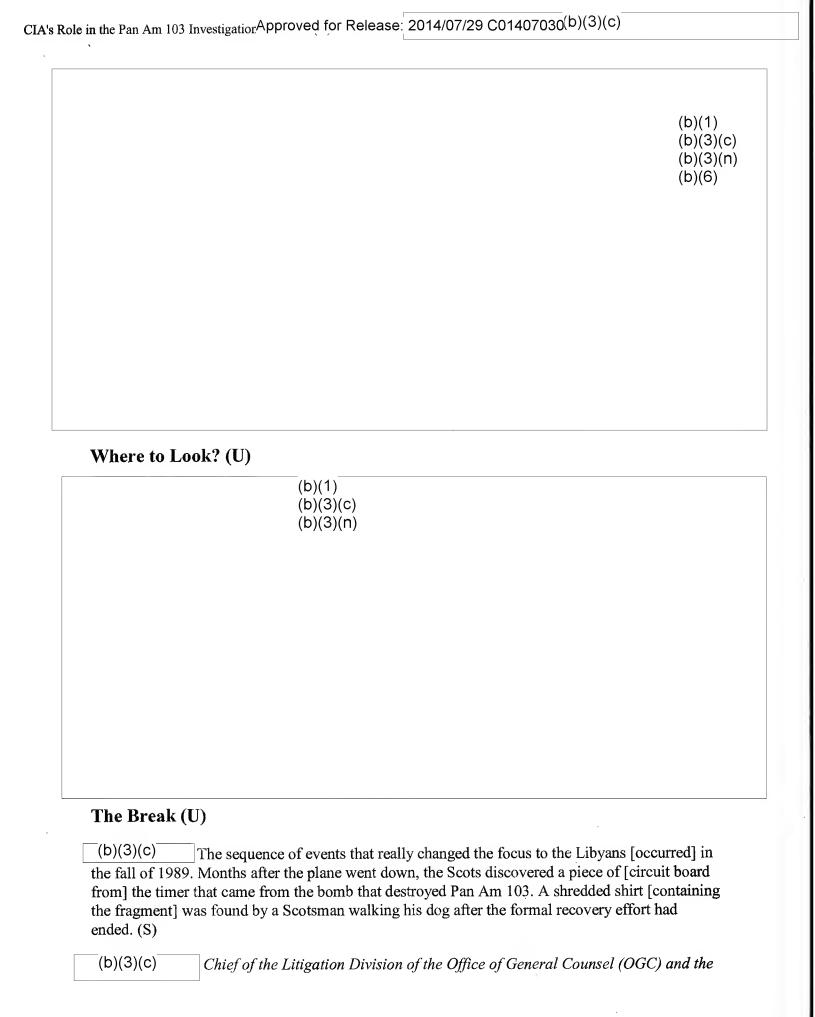
From computer models and forensic evidence, the British and the FBI reconstructed just what happened when that bomb went off. They know precisely where the bomb was. They were able to pinpoint the exact luggage container, which they found. Obviously there had been an explosion in it, as it was shattered outward. They knew where in that luggage container the bag with the bomb was placed, because they had records, actually, of which bags went into what container, and they could tell, again, from the forensic evidence where it was. It was about two up from the bottom, and An engineer from the Air Crash Investigation Unit peers they knew where in the aircraft that luggage container was placed. And then they actually blew up some planes on the ground here to prove that theory. (U)



out from the reconstructed remains of the Pan am Boeing 747 that crashed in Lockerbie, Scotland. (U) ©Reuters 1998

They demonstrated that, because the luggage container was next to the wall of the aircraft, just under the business class section, about row 14, the force of the explosion and the explosive plasma, which came out from the bomb, had nowhere to go. It did not break the skin, the outer skin. It broke the inner skin, and then it spread up through the fuselage in a circular pattern between the outer skin and the inner skin. And essentially it went all the way around the aircraft. And then burst out. And it just cut the aircraft. It was like taking a huge cleaver and chopping off the nose of the aircraft. Which is why you had the cockpit section lying in the field, the famous picture where the Pan Am logo was visible. (U)

Initial Approach (U)



supervising Agency attorney on the case during the prosecution, describes the moment in 1989 that the key piece of evidence turned up in a field near Lockerbie: The shredded shirt . . . was some distance off from the main crash site. This [farmer] saw this fabric, looked at it, knew, of course, the plane had crashed . . . and brought it to the attention of the Scottish police. The shirt had been destroyed. However, . . . the label in the back of the collar had a tag that linked it to Mary's House, a clothing store in Malta. That's how [the Scottish investigators] were able to tie it to that store. The shirt was made of polyester fabric so the heat of the explosion had actually fused the timing device chip into the shirt so it didn't fall off when the man picked up the shirt. If he hadn't thought it was a piece of debris, or thought it was only a piece of litter and just left it there, we still might be searching to figure out what happened. (U)

The Lockerbie police sent the shirt fragment to the Royal Armaments Research and Development Establishment military laboratories, where, as they were pulling the scorched fabric apart, they found the piece of circuit board from the timer. (U)

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The Libyans who ultimately went on trial for the Pan Am 103 bombing: Abd'al Basset. Ali Al-Megrahi (left) and Al-Amin Khalifa Fahima. (U)

the Scots had linked the shirt fragment to Malta and the Libyans:

... [By September 1989,] the Scots had begun their own investigations in Malta. They had come across Tony Gauci, the shop owner who ran the Mary's House clothing store [in Valletta]. And he's the one who recalled that he had sold such-and-such articles of clothing, similar to what was found at the crash site, to somebody that he said he could identify as Libyan. He didn't know the name.

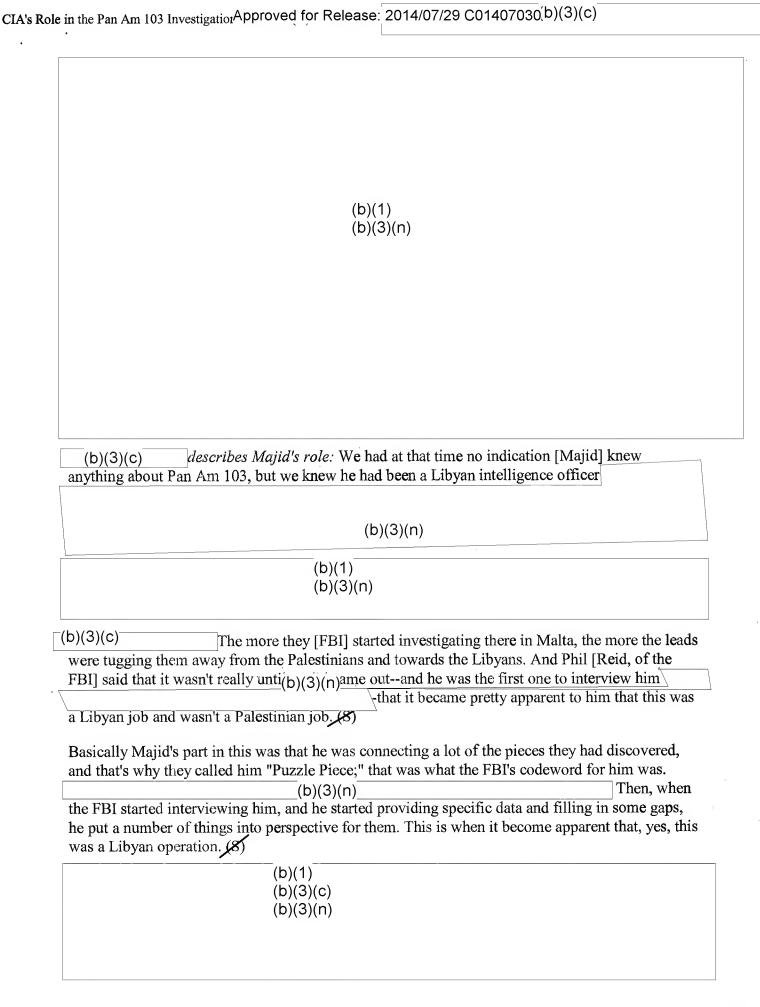
He did not know whether they were connected to the Libyan Airlines office, or the Embassy, or what. But he said that just by appearance, by language, he recognized them as Libyan. He identified them when he was a witness at the trial. (U)

Tom McCullough, the Detective Chief Superintendent from Dumfries and Galloway Constabulary, has been with this case since the night the plane went down. He was recovering bodies and was in charge of the temporary mortuary. Later, he emerged as the Chief Investigator and, in the last few years, has traveled to Libya, Jordan, Turkey, and all over Europe. McCullough has nominated Gauci for the [US] Department of Justice (DOJ) reward money in this case. McCullough says that the Scottish prosecutors viewed Gauci as probably the single most crucial witness in that whole process. He was able to make the connection to the Libyans. While the forensic evidence might have pointed to a Libyan connection, Gauci was the one who was able to put a face on the plot. (U)

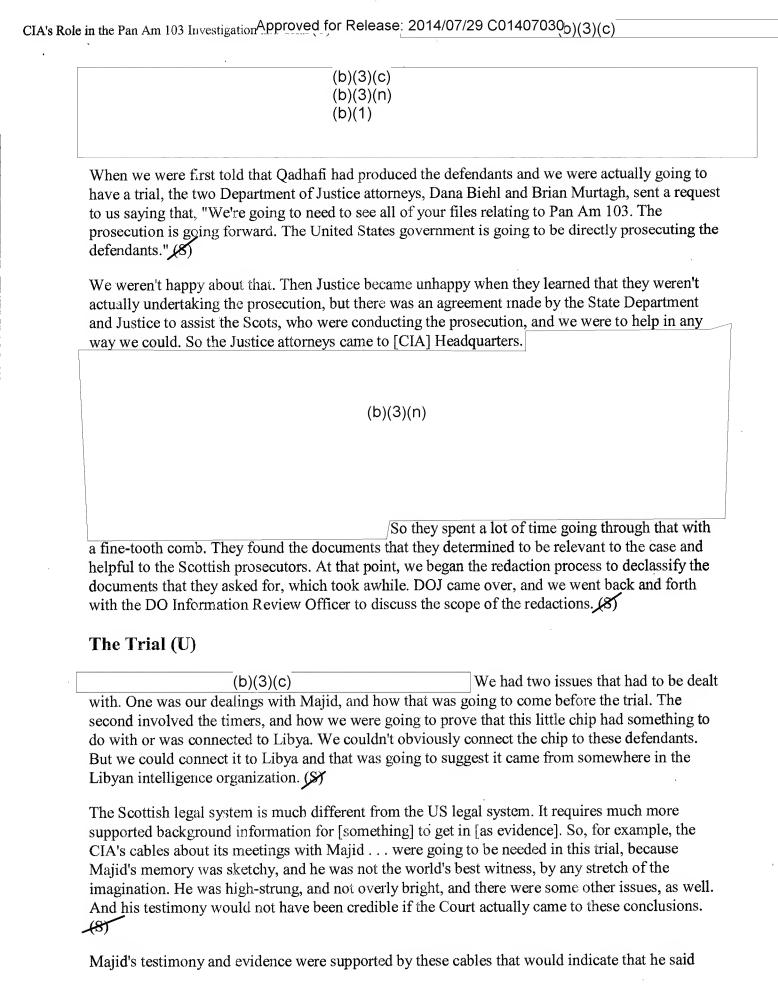
CIA's Libyan Asset (U)

	Abdul Majid Gaika, a Libyan intelligence officer,
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(b)(3)(n)	
	ajid had no connection with the Pan Am bombing, but
he held another of the keys to the solution	of the puzzle. No one realized what he could offer,
	yan connection had deepened as a result of the discovery
of the circuit board piece and the account	
of the circuit bourd piece and the account	of the mattese shopkeeper, just
	(1.7.43)
	(b)(1)
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		(b)(1) (b)(3)(c)			
		(b)(3)(n)			
Majid Connects t	he Puzzle Pi	eces (U)			
			Al-Megrahi's role	in the bombing	
Understanding of Ma, unfolded over two yea	ers.	(b)(1) (b)(3)(n)	<u> </u>		



(b)(3)(c) (b)(3)(n) (b)(1)



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what he said at a time when he had no reason to say anything else, unless you really believe in a huge conspiracy theory. The cables would support what he said in 1988. There was a question of whether the Court was going to let those cables be used [especially if they were redacted to protect security information]. We don't let our cables be seen by just anybody, and certainly don't want them being seen by foreigners, especially Libyans, who might learn about our sources and methods and tradecraft.

At the time, we weren't going to acknowledge our presence [in Malta] and it wasn't [widely] known that Majid existed. I mean, we knew. DOJ knew. The Scots knew. But the rest of the world didn't know that Majid was a CIA agent, or that we had this particular specific information. So there was first the question of how was the CIA going to get involved in this at all. Next we were not sure what it would take to get these cables introduced into evidence. (S)

(b)(3)(c) The [Scots] are even more particular about authentication than we are. Under Scottish law, we would have to acknowledge that they were CIA documents. We would have to have the cables revealed, and we'd have to have someone testify that they, in fact, had received the information from Majid, that they had then gone ahead and written down the information in these cables.

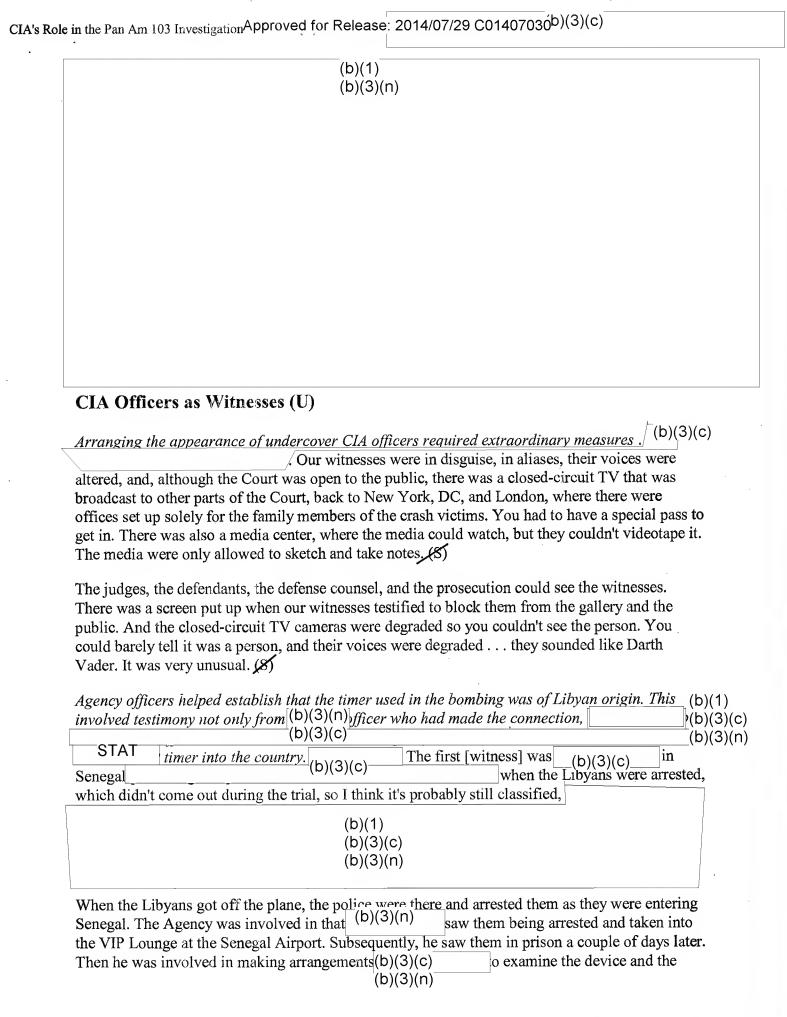
(b)(3)(n)

It took a seemingly unusual act of faith by the court to accept that potentially exculpatory information had not been redacted from the CIA cables that were introduce(b)(3)(c) lescribes how it happened: In this case, the Lord Advocate had never seen the minimally redacted cables, and he said [to the Court], "Well, these are the cables. This is all I've seen." The Court says, "We think there's more out there . . . can you go find out?" The Lord Advocate then came back to the Court after reading the minimally redacted cables and said, "This is what we can have. I've now gone through it. I sat down with the CIA and we went through them one-by-one. I am satisfied that the only thing that is left out is something that's actually national security." And the Court said, "Okay. We believe you." The defense whined about it, and the Court said, "Well, I'm sorry. This is the way it is." (8)

Weighing Majid's Testimony (U)

(b)(3)(c) testimony of the CIA asset, who took a pretty severe beating during cross-examination: Because of the fact that [Majid] had never told us about the luggage [until long after the bombing], he was crucified during cross-examination. But the FBI took him, put him in the witness protection program. (8)

(b)(1) (b)(3)(n)



explosives	(b)(1)	That was the subst	ance of his testimony during the trial.
(S)			
testified about a pistol, Semtex e one point, he ha testified to all or were the same to	nd showed picture explosive, and the d tried to take the f that, which went ype of chip, same	timer. Fortunately, he had timer casing apart, but th pretty well. The pictures type of timer used to dest	(b)(1) He ere taken out of the Libyan's briefcase of gotten some pretty good pictures. At the Senegalese wouldn't let him. He were very important to show that the roy Pan Am 103, and how it related to a big part of establishing that (8)
link the timer in Libyans once M manufacturers, the fact that these we sold to the Libyans said they owners said they Stasi, the East Conegative, that not testified that he Libyans. He had Libyans had tak had done tests for configure the tir	ot of work for the Senegal to be exclusive and Bollier, testified. They admire [MEBO] time ans, but not exclusive had sold a small dermans. It's hard to body else had the had sold 25 of the laken them there en him out to the cor them, and helpe mers, and showed 's always the poss	clusive with the the timer's nitted to the ers, which were sively. The number to the to prove a em, but Bollier ese timers to the the desert, and he ed them them how to	(b)(3)(n) (b)(1)
h e ms <mark>elve</mark> s, or s	omething crazy lil	ke that could have happer	ned, but there was no evidence
supporting that	theory throughout	the trial. (8)	
		(b)(1) (b)(3)(c)	
_	•		ney went chasing leads and trying to
prosecuting atto	rneys. And this tit is said, "I'm going	ne, God bless them, they	n, the night before, I sat down with the had a nice script all put together. On cround. What your technical timer." He was using me as ju

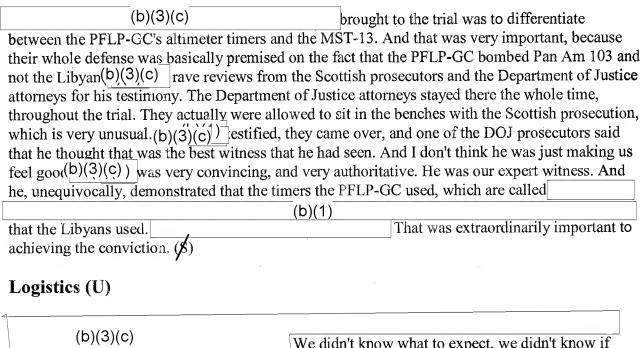
to present it. And so he says "I want you to talk about the technology here, the technology there,

then compare the two." So I testified for about 40 minutes on the stand. (8)

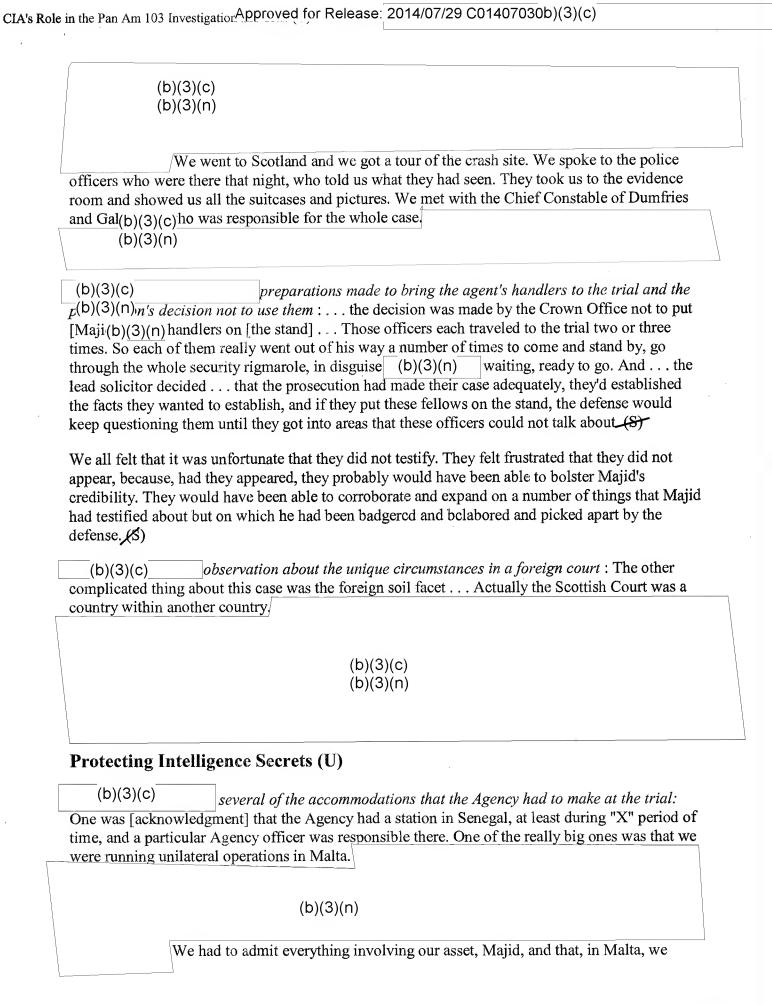
There were two defense attorneys, of course, one for Fahima, one for Megrahi. I had been warned that they were like a good cop, bad cop routine. Fahimah's was the nice guy, and he would ask these very nice questions, and then the other attorney would jump up and call you a liar and question your parentage and everything else, trying to get you upset, saying something like, "We obviously can't accept any of that testimony." And he was very successful doing that with a few of the witnesses 487

So the prosecution went through their routine, following the script, which was great, as I knew where they were going. [A prosecutor] had told me, "Don't give me more than what I ask you. Just answer the question but don't elaborate. And if I want more, I know what you know, I'll ask you and I'll draw it out of you. Let me pull it out." So I knew where he was going and this was good, so we went through the 40 minutes of testimony and Fahimah's attorney got up and said, "No questions, my Lord."(8)

And then Megrahi's attorney gets up and asks, "Is it true today, and in fact in the 1980s, that any electronic equipment would contain electronic components?" My first question was what did they mean by that? And then I thought, that's not what he's trying to ask me. What is it he's trying to ask me? But then I thought, no don't figure it out for him. I'm not here to help the defense, so my answer was--and I thought I can't give him a smart ass answer either--so I said, "By definition, sir." That was my answer, "By definition." Electronic components, that's what makes it a piece of electronic equipment. And he says, "And therefore it would also contain circuit boards?" And I said, "Not always." And he says, "But in the majority of the cases," or "by far and away," or something like that. And I said, "Yes, normally it would." "No more questions." (8)



We didn't know what to expect, we didn't know if there'd be a lot of media coverage. By the time our witnesses had to testify, everyone was bored with the trial and there wasn't much media coverage at all. There was one reporter around, and no one was taking pictures. We ended up using all those support people, but I think there was a thought that maybe we don't need to do this as extremely as it started. (8)



operational information in support of law enforcement, if for no other reason than to protect it and our clandestine sources from the scrutiny that it's going to come under in a judicial setting, where it

should come under scrutiny. I think that intelligence is a marvelous mechanism to enable law enforcement people to go after evidence and get evidence that can stand up in a court of law. But I

to our lawyers, and talk good perspective on this give that information up	b, and it had to go out as evidence, because there was no other way that it there was no substitute available. And without that, the verdict would not
	(b)(3)(c) We got a guilty
victims of Pan Am Flig question that we wanted	and were able to provide a definitive answer to the family members of the ht 103 that the Libyans definitely were behind this. That was the lingering answered by a court of law. And that's what we got. We accomplished it f Scottish Law. Indeed, it was a rather significant feat."
(b)(3)(c)	
(b)(3)(n)	
	at extra risk so that this trial could take place. (a) (3) (n) to the lawyers, all of us worked long hours and weekends to
	in't do it" was never muttered. I can say that from the professionalism of the ith during this entire episode, I have no doubts that CIA is the best
ammentaries estator i tellores i servicio e si e servicio de se	
Footnotes:	
Footnotes: 1 An exchange of tactic maneuvers in the Medit operatives of a discothe	cal missiles between Libya and the United States during US naval terannean in March 1986, and the subsequent bombing by Libyan eque frequented by US soldiers in Germany, led Washington to launch air gets linked to terrorism on the night of 15 April 1986. (U)
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(b)(3)(c)	served in the CIA's Office of General Counsel. (U)
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